

FEDERAL ELECTION COMMISSION

November 13, 2016

2016 NOV 15 AM 9:07

Jeff S. Jordan, Esquire  
Assistant General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

CELA

Re: MUR 7144 – Jeb 2016, Inc.

Dear Mr. Jordan:

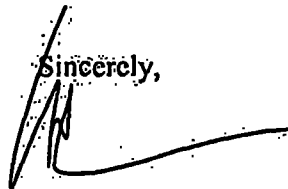
This will respond on behalf of Jeb 2016, Inc. to the above-captioned Matter Under Review.

Under the Federal Election Campaign Act and its regulations, a complaint must contain a "clear and concise recitation of the facts which describe a violation of statute or regulation over which the Commission has jurisdiction." 11 C.F.R. § 111.4(d)(3). Absent this information, a complaint is legally deficient and must be dismissed. This is in keeping with the principles of due process and fundamental fairness. The burden must not shift to a respondent merely because a complaint is filed with the Commission.

In this instance, the Complaint does not contain any facts that state any violation of the Act or Commission Regulations by Jeb 2016, Inc. Rather, the Complainant urges the Commission to launch an investigation based on nothing more than speculation about two donors to the Committee. In fact, based on news reports about this Complaint, it is apparent that it was nothing more than an attempt by political opponents of one of the donors at issue to score political points in the waning days of the political campaign. A news article regarding the Complaint is enclosed.

In sum, since there is no factual or legal basis for the Commission to find reason to believe that the Committee violated the Federal Election Campaign Act, I respectfully request that the Commission dismiss this Complaint and close the file.

Sincerely,

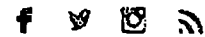


William Simon  
Treasurer

Enc.

170444160411

# THE PUBLIC



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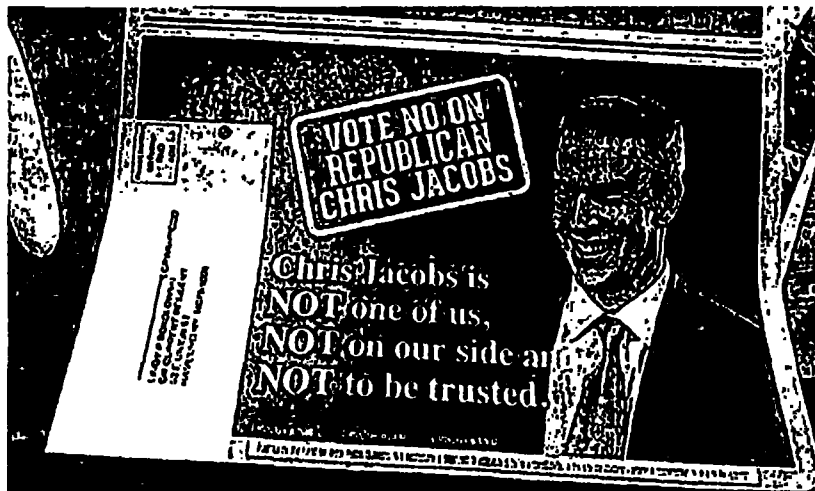
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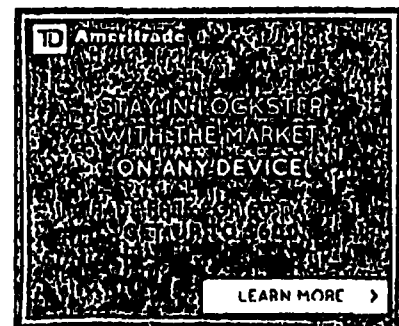
## Local

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PRINT EDITION



Week of 11/9/16 - 11/15/16



## The Public Record: Anatomy of a Smear

by Geoff Kelly / Oct. 26, 2016 11am EST

If you're a Democrat, there is much to like about Amber Small, who is running for the 60th District state Senate seat. Her policy positions are reliably progressive; she is smart and, judging by her campaign, hardworking. And heaven knows this region could use more women in elected office.

But there have been some ugly tactics in her campaign as well. One example is the flyer above, paid for by the Small campaign Fund for Greater Public Schools and distributed earlier this month. The text is pretty standard fare: taking to task Small's Republican opponent, Erie County Clerk Chris Jacobs, for his pro-charter school positions; pointing out that he has, as a result of those positions, been the beneficiary of financial support from pro-charter groups outside the region; stirring up some resentment about his family's wealth; tying him to the lately scandalous name of developer Lou Ciminelli; etc. Some of the claims are fair game—it certainly makes sense for Small to stir up public school teachers, who are plentiful in the district and tend to be prime Democratic voters.

### MOST RECENT STORIES

1. **President Trump**
2. **Moonlight, American Pastoral**
3. **Centerfold: Rhapsody**
4. **Cover Art: Lovers**
5. **Map: Niagara + Grant**

### UPCOMING EVENTS

1. **Fri Nov. 11, 6:00pm: Visions: A Photographic Journey in Social Justice**
2. **Fri Nov. 11, 7:00pm: The Wood Brothers with Dylan LeBlanc**

Some of the claims are stretches, but hardly out of bounds in the context of Western New York politics. And certainly no more of a stretch than the most recent pro-Jacobs TV commercial that attempts to associate Small's candidacy with New York City Mayor Bill de Blasio, whose campaign finances are under investigation. (Matt Tighe, Small's campaign manager, worked on the de Blasio campaign.) It's two degrees of guilt by association; it's nonsense, but it's how politics is played here. And probably everywhere.

But that manipulated photo is a little bit nuts. Jacobs is an affable guy with a winning smile. The reason he's polling ahead of Small in a district that, despite Senate Republicans' best gerrymandering efforts, favors a Democrat is not simply that he's a moderate Republican with a big name and a lot of money to spend on making it bigger still: He's also widely known to be a nice guy. To PhotoShop him into a leering devil is cheap and demeans the intelligence of the voting public. Do the creators of a mailer like this believe that voters are taken in by such caricatures? Don't they know that proximity to such poison damages the candidate it is meant to help?

In any case, that's not what I'm writing about today.

I'm writing about another example of dirty politics, one that has not appeared in the mailboxes of 60th District voters, at least not yet. It's a story meant to damage Jacobs that has been fed to reporters (including me) since midsummer, first by Jacobs's Republican primary opponent, Kevin Stocker, and more recently by someone else—someone supporting Amber Small.

The story is this: Jacobs donated \$2,700, the maximum allowed, to Jeb Bush's presidential campaign in 2015. His girlfriend, Martina Rehorik, also maxed out to Jeb Bush with a \$2,700 donation. Rehorik once worked for Jacobs in the clerk's office, with a salary of \$41,317. At that salary, the peddlers of this narrative argue, she could not afford such a donation. Ergo, Jacobs gave her the money to donate in order to circumvent federal caps on individual donations to a campaign. There's also some allusion to the fact the Rehorik is "a foreign national" and possibly ineligible to donate to political campaigns in this country.

The biggest problem with the story, which I pointed out to a Democratic elected official who conveyed it to me a few weeks ago, is this: The address attached to Rehorik's donation is the same as Jacobs's on Saybrook Place in Buffalo. They were living together. No one was trying to hide anything. If a married couple gave \$2,700 each to a candidate, would anyone worry about who earned the money? Or from whose bank account the donations were drawn? Why shouldn't an unmarried couple, living together, do the same?

There are other problems, too: Rehorik worked in the clerk's office. They started dating, and then she left the clerk's office for another job. That was in February 2014, more than a year before the donations to Jeb Bush occurred. Further, she has a green card: She can't vote, but she can donate.

Those alone may be the reasons no politics journalist in town has bothered to write the story. The reason I'm writing about it is that I think it's interesting to look at how the story has been manufactured and then peddled to reporters over the past few months.

Here's a summary, based on my own experience of this creature:

1. It appears to begin with Stocker, who writes a letter in early August addressed to the US Attorney General Loretta Lynch, US Attorney Bill Hochul, New York State Attorney General Eric Schneiderman, and the FBI. In the first part of the letter, Stocker alleges illegalities and bias in the petitioning process for the Conservative Party primary. Appended to those allegations is the story about Jacobs's donations to the Bush campaign, the details of which Stocker says were forwarded to him by an anonymous source who he believes to be an Erie County employee. You can read that letter at the end of this post.

- 3 Fri Nov. 11, 7:00pm: Peter Wolf and the Midnight Travelers
- 4 Fri Nov. 11, 7:00pm: Gallery Dances at Burchfield Penney Art Center
- 5 Fri Nov. 11, 7:30pm: Lavell Crawford



2. The petition issues are litigated and Stocker loses; all that is reported in the media. Nobody bites on the story of the Bush contributions.

3. Next, in late September, after Jacobs has won the GOP primary, a person from Rochester—outside the district—named Beatriz LeBron files a letter with the Federal Elections Commission reiterating the allegations in Stocker's letter. This creates a case file at the FEC. It will also provide Small's supporters with a third party to which to attribute the allegation. Anyone can send a letter to the FEC, lodging a complaint about suspected wrongdoing, and create a case file. You can read LeBron's letter at the end of this post.

4. In the weeks that follow, a number of Democrats involved in politics approach me and other reporters in town with the story of Jacobs and Rehorik and the Bush donations. Once again, nobody bites.

5. Finally, last week, perhaps reluctant to waste the effort that has gone into promoting the story so far, someone using the email address [investigativerpt@protonmail.ch](mailto:investigativerpt@protonmail.ch) puts out a press release with the subject line "Chris Jacobs Subject of Federal Investigation":

*Today, the Federal Election Commission confirmed that it has initiated an investigation of Chris Jacobs and his girlfriend for the violation of federal election law. According to correspondence from Julia Queen, Public Affairs Specialist at the Federal Election Commission, the FEC's enforcement process is confidential and they are prohibited from providing information on pending matters; but a leaked copy of the complaint outlines the accusations against Jacobs.*

*Jacobs allegedly funneled money to Martina Rehorik to usurp federal campaign contribution limits in the 2016 presidential primary. Jacobs, a multi-millionaire and heir to a family fortune, sent the maximum contribution of \$2,700 to Jeb Bush's campaign on 6/29/15. He then allegedly provided Rehorik with \$2,700 and directed her to 'mix-out' to the campaign. She made the contribution on 7/15/15, a campaign finance reporting deadline. This is especially significant because in addition to being Jacobs' girlfriend she was also his employee, she was a "special assistant" at the Erie County Clerk's office, on his campaign payroll, and doing work for his real estate development company. Rehorik's contribution was 15x greater than all of her previous political contributions and it is seemingly out of line with her publicly reported salary as an employee of the Erie County Clerk's office and Friends of Chris Jacobs.*

*In recent weeks, Jacobs has faced criticism for accepting money, directly and indirectly, throughout his political career from Louis P. Ciminelli, his family members, and LPCiminelli. Louis P. Ciminelli and key members of LPCiminelli with close ties to Jacobs are facing federal charges in a pay-to-play scandal that has rocked Albany and Western New York. Jacobs is also at the center of a brewing scandal with LPCiminelli and the \$1.3 billion reconstruction project for the Buffalo Public Schools. Jacobs served on the Buffalo Board of Education and the Joint Schools Construction Board when nearly \$50 million dollars went missing or was otherwise unaccounted in the project managed by LPCiminelli.*

In fact, what the FEC confirmed was that a complaint had been filed by LeBron, presumably a surrogate enlisted by someone supporting Small's candidacy or at least opposing Jacobs's—not that there was an investigation. This new surrogate leads this press release, which presumably is meant to appear to come from an independent, "investigative" source, with a half-truth, then piles on the allegations first aired by Stocker, then, apropos nothing that came before, tars Jacobs with another scandal-soaked association: Lou Ciminelli, currently starring in a headline near you as part of the corruption probe into Governor Andrew Cuomo's Buffalo Billion program.

7. Nobody bites.

8. Two days later, the allegations are reiterated in a new press release from [investigativerpt@protonmail.ch](mailto:investigativerpt@protonmail.ch), this time in more strident language. This press release also refers to a poll of GOP voters conducted at the end of August, just before the Republican primary:

*The telephone poll of 556 registered Republicans with a history of voting in primary elections in the 60th Senate district was conducted on August 29th and 30th. It showed that party loyalists would not support Jacobs if he gave his girlfriend a government job in his office while he served as Erie County Clerk. Forty-nine per cent of voters responding to the question said that they would not vote for Jacobs if he gave his girlfriend a government job while she worked on his political campaign. Additionally, 28% of those surveyed said they were unsure if they could support him given this information.*

Again, Martina Rehorik worked for the clerk's office when she and Jacobs started dating. Then she left the office, in February 2014. I asked for a copy of the poll and [investigativerpt@protonmail.ch](mailto:investigativerpt@protonmail.ch) sent me part of it. It's an unabashed push poll; whoever designed it was not nearly so interested in voters' answers to the questions as in conveying potentially harmful information about Jacobs to likely Republican voters right before primary day. The questions suggested Jacobs might strip gun owners of their firearms, support abortion rights, and, yes, give his girlfriend a government job.

Like that push poll, the purpose of the story about the donations to Bush seems primarily to be to tell voters that Jacobs gave his girlfriend a job in his office, that she works for him even now, and that is false.

9. Both press releases are then forwarded by Small supporters to various journalists in town, myself included. And again nobody bites.

But don't be surprised. 60th District voters, if some form of or reference to the story finds its way into your mailbox in the next week and a half. This is a far more sophisticated smear job than a cartoonish manipulation of a photograph, a pastiche of an opponent's policy positions, or some insubstantial guilt by association. This required orchestration: a couple of surrogates, a team of people enlisted to disseminate the story once it was created...and just who was Stocker's anonymous source, anyway, who put together so much documentation and legal references?

**Kevin Stocker's letter:**

[Kevin Stocker's Complaint](#) by [geoff.kelly](#) on Scribd

10474444045

LAW OFFICE OF  
**KEVIN T. STUCKER, ESQ., PC**  
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August 5, 2016

Mr. & Mrs. J. Kelly

Erica L. Kelly  
 US Attorney General  
 U.S. Department of Justice  
 950 Pennsylvania Ave. NW  
 Washington, DC 20530

William J. Hochul, Jr.  
 US Attorney General  
 Department of Justice  
 Western District of New York  
 138 Delaware Avenue  
 Buffalo, NY 14202

Adam Cohen  
 Federal Bureau of Investigation  
 Special Agent of Buffalo Office  
 1 FBI Plaza  
 Buffalo, NY 14202

Eric Schneiderman  
 NYS Attorney General  
 The Capitol  
 Albany, NY 12224

Media W.I.L.L.

Dear Government Officials:

I am currently a candidate running for NYS Senate's 6th District, and have made my campaign about taking on the corruption in government and the Political Party bosses that control it. I have personally posed both Republican Petitions, and Conservative Opportunity to Rally Petitions, collecting voters' signatures in their homes in order to have names on subject's names to be on the ballot.

#### Beatriz LeBron's letter:

Beatriz LeBron Complaint by geoff kelly on Scribd

September 30, 2016

Office of General Counsel  
 Federal Election Commission  
 999 E Street, N.W.  
 Washington, D.C. 20463

To Whom It May Concern:

I, Beatriz LeBron, believe that Christopher L. Jacobs and Marina V. Rehork have conspired to violate federal election law. Mr. Jacobs used Ms. Rehork, with whom he has a long established personal and professional relationship, to violate campaign finance laws for the 2016 presidential primary. Additionally, as Ms. Rehork was born outside of the United States she may be a foreign national and thereby ineligible to make contributions to a federal candidate.

Mr. Jacobs contributed \$2,700 to Mr. Bush on 6/29/16 (on that day he listed his employer as Erie County and his title as Government). On 7/16/16, a campaign fundraising deadline imposed by the FEC, Ms. Rehork also contributed \$2,700 to Mr. Bush. On the filing, Erie County is listed as her employer and her title reads County Clerk. In actuality, Mr. Jacobs is the County Clerk of Erie County and he has previously filed with the FEC using County Clerk as his official title (per his 3/16/16 contribution of \$1,250 to the NYS Republican Federal Campaign Committee). Ms. Rehork's use of Mr. Jacobs' title appears to be a way for Mr. Jacobs to let the Bush campaign know that the contribution was made on his behalf. Since Mr. Jacobs and Ms. Rehork are not married the rule that one spouse may use another spouse's income to make federal contributions without violating established limits does not apply.

It is unlikely that Ms. Rehork would be able to make such a large contribution as her public salary was listed as \$41,317, and the \$2,700 is out of character with previous contributions. Even factoring in the \$8,858.24 she received as compensation from Friends of Chris Jacobs between 2011-2014 and potential income she received for work conducted at Arden Development, owned by Mr. Jacobs. She has no other federal contributions and \$2,700 is more than 15 times greater than her previous contributions. Such a financial pass through is unethical and illegal. Furthermore, if Mr. Jacobs knowingly gave money to a foreign national, who was also his employee, to make a federal contribution on his behalf then he may have violated other statutes.

Furthermore, Mr. Jacobs and Ms. Rehork use different addresses for many of their state and federal contributions which may be an attempt to obscure the nature of their personal and professional relationship. On the 7/15/16 filing Ms. Rehork uses PO Box 882 in Buffalo when both of them use the home address of 42 Baybrook Place in Buffalo (owned and used as a primary residence by Mr. Jacobs) in many other instances, including Mr. Jacobs 6/29/16 contribution to Mr. Bush and Ms. Rehork's 6/29/16 contribution of \$50 to the Buffalo Republican Committee.

Sincerely,

  
 Beatriz LeBron

cc: Mr. & Mrs. J. Kelly; Mr. & Mrs. J. Kelly

COMMENTS

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**THE PUBLIC**

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(716) 856-0642

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